

April 25, 2025

VIA CM/ECF

Mr. Jarrett B. Perlow
Clerk of Court
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, DC 20439

Re: *Entropic Communications, LLC v. Charter Communications, Inc.*, No.
2024-1896

Dear Mr. Perlow:

Pursuant to Federal Rule of Appellate Procedure 28(j), Defendant-Appellee Charter Communications, Inc. submits this response to Movant-Appellant the Electronic Frontier Foundation's ("EFF") April 18, 2025 letter (ECF No. 47) notifying the Court of the decision in *Grae et al. v. Corrections Corporations of America et al.*, ___ F.4th ___, No. 24-5839, 2025 WL 1132413 (6th Cir. Apr. 17, 2025). *Grae* does not support reversal and remand of the district court order on appeal.

First, *Grae* does not support EFF's argument that the district court abused its discretion in denying EFF's motion to intervene. The appellee in *Grae* did not dispute intervention and merely argued "that the district court lacked jurisdiction . . . because it had dismissed the case two years before." *Grae*, 2025 WL 1132413, at *2. The Sixth Circuit disagreed because a federal court may consider collateral issues after dismissal. *Id.*

Second, *Grae* also does not support EFF's argument that the district court abused its discretion in denying EFF's motion to unseal. Here, in denying EFF's motion to unseal, the district court assessed the sealed filings under its local rule and found that the parties properly filed the documents under seal pursuant to the governing protective order. Because no equivalent local rule was at issue in *Grae*, it provides no support for this Court to reverse and remand the district court's order denying EFF's motion to unseal.

April 25, 2025
Page 2

Respectfully submitted,

/s/ Daniel Reisner

Daniel Reisner